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Convention on the Elimination of All Forms of Discrimination against Women

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Ways and means of expediting the work of the Committee

Overview of the current working methods of the Committee on the Elimination of Discrimination against Women

Note by the secretariat

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I. Introduction

1. Since its first session, in 1982, the Committee has made a concerted effort to develop appropriate working methods. These methods continue to evolve.

2. The present overview is designed to make the current working methods more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations agencies, programmes and funds and civil society organizations.

II. Guidelines for reporting by States parties

3. The Committee has adopted reporting guidelines to assist States parties in the preparation of initial and subsequent periodic reports.[1] The Committee strongly encourages all States parties to submit reports in accordance with these guidelines. This will reduce the need for the Committee to request further information when it considers a report and will help the Committee to consider the situation regarding human rights in every State party on an equal basis. The Committee keeps these guidelines under review and updates them as appropriate.

4. Reports should be as concise as possible. Initial reports should be no more than 100 pages long and should deal specifically with every article of the Convention. Periodic reports should be no more than 70 pages long and generally should focus on the period between the consideration of the previous report and the current report, using the concluding comments on the previous report as their starting point and highlighting new developments. Where a State party has prepared a core document,[2] this will be available to the Committee.

5. The Committee recommends that States parties consult national non-governmental organizations in the preparation of their reports. It requests that reports of States parties describe the situation of non-governmental organizations and women's associations and their participation in the implementation of the Convention and the preparation of the report.

III. Consideration of reports of States parties by the Committee

6. The Committee usually invites eight States parties to present their reports at each session, taking into account the criteria of preference to be given to those States parties whose reports have been pending for the longest time, the need to give priority to initial reports and the desirability of a balance of reports in terms of geographic and other factors. The Committee usually selects the reports two sessions in advance of consideration and considers a mix of initial and periodic reports at each session.

A. Pre-session working group

7. A pre-session working group of the Committee, with the support of the secretariat, draws up short lists of issues and questions with regard to periodic reports which the Committee will consider at its next session, focusing on major areas of concern in regard to implementation of the Convention by the States parties

concerned. The lists of issues and questions are intended to facilitate the preparations by States parties for constructive dialogues with the Committee, to provide a focus for the dialogue with representatives of the reporting States and to improve the efficiency of the reporting system.

8. In order to provide the States parties with the lists of issues and questions well in advance, the pre-session working group meets for five days (in closed meetings) after the session prior to the one at which the periodic reports will be considered. The working group is normally composed of five members of the Committee, taking account of the desirability of a balanced geographical distribution and other relevant factors.

9. Representatives of the specialized agencies and bodies of the United Nations, as well as national and international non-governmental organizations, are invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group.

10. The lists of issues and questions are promptly sent to the States parties concerned, usually within a week after the pre-session working group concludes its work. States parties are invited to provide their responses within six weeks thereafter. The lists of issues and questions, together with the responses from States parties, are circulated to members of the Committee prior to the session at which the reports are to be examined.

B. Constructive dialogue

11. The Committee intends its consideration of a report to take the form of a constructive dialogue with representatives of the reporting State, the aim of this dialogue is to improve the situation pertaining to Convention rights in that State. Therefore, not only are representatives of the reporting States entitled to be present, but indeed their presence and participation are necessary at the meetings of the Committee when their countries' reports are examined.

12. In general, the Committee devotes up to three open meetings (of three hours each) to its consideration of initial reports. Representatives of the State party are invited to make introductory comments for a maximum of 45 minutes. This introduction is followed by one or two meetings in which experts pose questions in respect of the individual articles of the Convention. Experts seek to avoid duplicating questions and intervening under each article. Several days later, at the third meeting, the State party presents its replies — in writing and orally — to those questions.

13. Representatives of States parties presenting periodic reports are invited to make introductory comments for a maximum of 30 minutes. In the consideration of periodic reports, questions by experts are then clustered in accordance with the four substantive parts of the Convention, namely part I: articles 1 to 6; part II: articles 7 to 9; part III: articles 10 to 14; and part IV: articles 15 to 16. After several experts pose questions under a cluster, the State party is given an opportunity to respond; the next round of questions and answers follows until all clusters have been covered. Experts seek to avoid duplicating questions and intervening under each cluster and also seek to focus on issues identified by the pre-session working group. In general, the Committee devotes two open meetings to its consideration of periodic reports.

14. Interventions by experts during the constructive dialogue are limited to three to five minutes. The time limit is monitored by a speech timer but is enforced flexibly. While the Committee does not yet have a formal follow-up procedure for its concluding comments, it routinely asks States parties about the steps taken to follow up on the concluding comments adopted following consideration of the State party's previous report.

15. The Committee does not, at this stage, consider a report in the absence of representatives of a State party. Neither does the Committee consider the implementation of the Convention in a State party in the absence of a report.

16. Individual members of the Committee refrain from participating in any aspect of the consideration of the reports of the States of which they are nationals in order to maintain the highest standards of impartiality, both in substance and appearance.

C. Concluding comments

17. The Committee adopts concluding comments on the reports of States parties that it considers. For this purpose, the Committee holds a closed meeting after the constructive dialogue with each State party to consider the main issues to be reflected in the concluding comments for that State. The member of the Committee designated as the country rapporteur for the report(s) of that State party then prepares, for the consideration of the Committee, a draft of the concluding comments, with the general rapporteur of the Committee and with the support of the secretariat. The Committee discusses the draft concluding comments in closed meetings.

18. Concluding comments usually follow a standard format under the headings referred to below. The "introduction" usually indicates whether the report complied with the Committee's reporting guidelines; refers to any reservations to the Convention entered by the State party; notes the level of the delegation and the quality of the dialogue; and indicates whether the report mentions implementation of the Beijing Platform for Action and/or the twenty-third special session of the General Assembly. A section on "positive aspects" is generally organized in accordance with the order of the articles of the Convention. A section on "factors and difficulties affecting the implementation of the Convention" is included only in the most exceptional circumstances. The last section of the concluding comments, on "principal areas of concern and recommendations", is presented in the order of importance of the particular issues to the country under review and provides concrete proposals from the Committee on the concerns identified.

19. All concluding comments include a recommendation relating to dissemination, requesting the wide dissemination of the concluding comments in the State party concerned, and also a paragraph requesting that information be included in the State party's next periodic report on the implementation of aspects of outcomes of United Nations conferences, summits and special sessions of review. The concluding comments also set out the date when the State party's next periodic report is due.

20. The Committee's concluding comments are preceded by a summary of the State party's introductory statement to the Committee. This factual summary is prepared by the secretariat.

21. Each concluding comment is internally balanced, and the Committee strives to achieve consistency and balance, particularly in terms of praise and expressions of concern, among the concluding comments elaborated at each session.

22. The concluding comments are transmitted to the State party concerned promptly after the close of the session. They are then made available to all interested parties and included in the Committee's annual report to the General Assembly. They are also made available on the web site of the Division for the Advancement of Women.

IV. Strategies to encourage reporting by States parties

23. The Committee has adopted a number of measures to address the challenges posed to the treaty monitoring process by the significant number of outstanding and overdue reports. On an exceptional basis and as a temporary measure in order to encourage States parties to fulfil their reporting obligations under article 18 of the Convention as well as to address the backlog of reports awaiting consideration, States parties are invited to combine all their outstanding reporting obligations into a single document. The Committee's Chairperson of the Committee also sends reporting reminders to States parties whose initial reports are more than five years overdue. United Nations and other entities are encouraged to provide technical assistance in order to support States parties, at their request, in the implementation of their reporting obligations under the Convention. The Committee keeps these measures under review and modifies them as appropriate.

V. Interaction with specialized agencies and bodies of the United Nations

24. Since its second session, the Committee has invited specialized agencies of the United Nations to cooperate in its work. The Committee and pre-session working group invite specialized agencies and other bodies of the United Nations to provide reports containing country-specific information on States parties whose reports are before them. Representatives of these entities are invited to address the Committee in a closed meeting at the beginning of each of its sessions. They are also invited to address the pre-session working group. The Committee finds it most beneficial to be given written reports, the contents of which are highlighted by the representatives of the United Nations specialized agency or body concerned during the closed meetings with the Committee or working group. The Committee has adopted guidelines for the reports of United Nations and specialized agencies and bodies in order to enhance its cooperation with them.[3]

25. The Committee designates one of its members to serve as a focal point with particular United Nations entities. The Committee recommends that specialized agencies and other United Nations entities with field representation work with non-governmental organizations to disseminate information on the Convention and on the work of the Committee. The Committee continues to explore cooperation in relation to field-level activities and to develop further ways of integrating the Convention into the work of the United Nations system.

VI. Participation of non-governmental organizations in the activities of the Committee

26. Since its early sessions, the Committee has invited non-governmental organizations to follow its work. In order to ensure that it is as well informed as possible, the Committee invites representatives of national and international non-governmental organizations to provide country-specific information on States parties whose reports are before it. National and international non-governmental organizations are also invited to provide country-specific information to the pre-session working group on those States parties whose reports are before the group. Such information may be submitted in writing at any time, preferably in advance of the relevant session or working group. In addition, the Committee sets aside time at each of its sessions, usually at the beginning of the first and second week of the session, to enable representatives of non-governmental organizations to provide oral information. The pre-session working group also provides an opportunity for non-governmental organizations to provide oral information. The Committee encourages international non-governmental organizations and United Nations agencies, funds and programmes to facilitate attendance at Committee sessions by representatives of national non-governmental organizations.

VII. General recommendations

27. Article 21 of the Convention provides that the Committee may make suggestions and general recommendations based on the examination of reports and information received from States parties. General recommendations are normally directed at States parties and usually elaborate the Committee's view of the content of the obligations assumed by States as party to the Convention.[4] The Committee elaborates general recommendations on articles or themes/issues of the Convention. Most of these outline matters which the Committee wishes to see addressed in the reports of States parties, and seek to provide detailed guidance to States parties on their obligations under the Convention and the steps that are required for compliance.

28. As at 30 September 2003, the Committee has adopted 24 general recommendations.[5] Those adopted during the Committee's first 10 years were short, addressing such issues as the content of reports, reservations to the Convention and resources for the Committee. At its tenth session, in 1991, the Committee decided to adopt the practice of issuing general recommendations on specific provisions of the Convention and on the relationship between the Convention articles and themes/issues. Following that decision, the Committee issued more detailed and comprehensive general recommendations which offer States parties clear guidance on the application of the Convention in particular situations. Comprehensive general recommendations have been adopted on violence against women (No. 19), equality in marriage and family relations (No. 21), women in public life (No. 23) and access to health care (No. 24).

29. In 1997, the Committee adopted a three-stage process for the formulation of general recommendations. The first stage consists of an open dialogue between the Committee, NGOs and others on the topic of the general recommendation. Specialized agencies and other United Nations bodies as well as NGOs are

encouraged to participate in this discussion and to submit informal background papers. A Committee member is then asked to draft the general recommendation, which is discussed at the next or a subsequent session of the Committee. Resource persons may be invited to participate in the discussion. At a following session, the revised draft is adopted by the Committee.

VIII. Statements adopted by the Committee

30. With a view to assisting States parties to the Convention, the Committee adopts statements to clarify and confirm its position with respect to major international developments and issues that bear upon the implementation of the Convention. These statements have dealt with issues such as reservations, gender and racial discrimination, solidarity with Afghan women, gender and sustainable development, and discrimination against older women.

IX. Optional Protocol to the Convention

31. Since the Optional Protocol to the Convention entered into force on 10 December 2000, the Committee allocates time at each session to consider issues arising thereunder. The Committee has appointed a five-member Working Group on Communications under the Optional Protocol. The Working Group has prepared a model form for submission of a communication.[6] It has registered the first communication and also taken a number of decisions with regard to its methods of work.

X. Other matters

32. The Committee continues to interact and coordinate activities with other human rights treaty bodies and mechanisms. It seeks the comments of other treaty bodies on its draft general recommendations and provides comments on their draft general recommendations/comments when invited to do so. Members of the Committee participate in relevant general discussion days held by other treaty bodies. The Committee holds discussions and exchanges views with other human rights mechanisms, including the special rapporteurs of the Commission on Human Rights on adequate housing, and violence against women, its causes and consequences.

33. The Chairperson of the Committee participates, on behalf of the Committee, in a number of meetings, including the annual sessions of the General Assembly, the Commission on Human Rights and the Commission on the Status of Women as well as meetings of persons chairing human rights treaty bodies. The Chairperson and other members of the Committee also participate in the inter-committee meetings of treaty bodies.

34. In addition to the two annual sessions, in January and July, at United Nations Headquarters, informal meetings of the members of the Committee, funded through extrabudgetary resources, are held from time to time. During such meetings, Committee members have mainly focused on enhancing the working methods of the Committee, including revision of reporting guidelines, and preparation of the

Committee's rules of procedure under the Optional Protocol. To date, three such meetings have been convened.

35. As part of the many efforts to encourage and support implementation of the Convention, members of the Committee participate in technical assistance activities, at the request of States, organized by the Division for the Advancement of Women, by the office of the United Nations High Commissioner for Human Rights and by regional United Nations bodies. These activities essentially focus on ratification of the Convention and the Optional Protocol, reporting under the Convention and on follow-up to the Committee's concluding comments.

Notes

[1] The Committee adopted revised reporting guidelines at its twenty-seventh session, in June 2002, which are effective for all reports submitted after 31 December 2002 and replace all earlier guidelines, which were first issued in 1983 and 1988 and revised in 1995 and 1996. For the text of the revised reporting guidelines, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), part II, annex. They are also available on the Division's web site at http://www.un.org/womenwatch/daw/cedaw/reporting.htm.

[2] For the guidelines for the core document, see HRI/GEN/2/Rev.1 and Add.1 and 2.

[3] See *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38* (A/56/38), part two, paras. 392 to 395.

[4] Suggestions are usually addressed to United Nations entities.

[5] The texts of the general recommendations are available on the web site of the Division for the Advancement of Women at http://www.un.org/womenwatch/daw/cedaw/recommendations.htm.

[6] The form is available on the web site of the Division for the Advancement of Women, at http://www.un.org/womenwatch/daw/cedaw/protocol/crpl-communic.pdf, as well as in the report of the Committee on its twenty-sixth session (see *Official Records of the General Assembly, fifty-seventh session, Supplement No. 38* (A/57/38), part one, para. 407).